

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	File Nos: ITC-T/C-20061218-00569,
	)	ITC-T/C-20051006-00397, and
Maskina Communications, Inc. f/k/a	)	ITC-T/C-20050621-00232
Transcom Communications, Inc.,	)	
Transferor	)	WC Docket No. 05-299
	)	
And	)	
	)	
Vyke AS f/k/a Maskina AS,	)	
Transferee	)	
	)	
Application for Consent	)	
to Transfer of Control	)	

FILED/ACCEPTED  
JUN 28 2007  
Federal Communications Commission  
Office of the Secretary

**PETITION TO ADOPT CONDITIONS TO  
AUTHORIZATIONS AND LICENSES**

The Department of Homeland Security ("DHS"), with the concurrence of the Department of Justice ("DOJ") and the Federal Bureau of Investigation ("FBI") (collectively, the "Agencies"), respectfully submit this Petition to Adopt Conditions to Authorizations and Licenses ("Petition"), pursuant to Section 1.41 of the Federal Communications Commission ("FCC" or "Commission") rules.<sup>1</sup> Through this Petition, the Agencies advise the Commission that they have no objection to the Commission granting its consent in the above-referenced proceeding, provided that the Commission conditions the grant on Vyke AS f/k/a Maskina AS ("Vyke") abiding by the commitments and undertakings contained in its June 14, 2007 letter to Sigal P. Mandelker, Stewart A. Baker, and Elaine N. Lammert (the "Letter") attached hereto as Exhibit 1.

In the above-captioned proceedings, Maskina Communications, Inc. f/k/a

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<sup>1</sup> 47 C.F.R. § 1.41.

Transcom Communications, Inc. (“Maskina”) and Vyke (together the “Applicants”) have sought Commission consent to the transfer of control of Maskina and its associated licenses to Vyke.

As the Commission is aware, the Agencies have taken the position that their ability to satisfy their obligations to protect the national security, enforce the laws, and preserve the safety of the public could be impaired by transactions in which foreign entities will own or operate a part of the U.S. telecommunications system, or in which foreign-located facilities will be used to provide domestic telecommunications services to U.S. customers. After discussions with representatives of Maskina and Vyke in connection with the proposed transfer of control of Maskina to Vyke, the Agencies have concluded that the commitments set forth in the Letter will help ensure that the Agencies and other entities with responsibility for enforcing the law, protecting the national security, and preserving public safety can proceed in a legal, secure, and confidential manner to satisfy these responsibilities. Accordingly, the Agencies hereby advise the Commission that they have no objection to the Commission granting the above-referenced applications, provided that the Commission conditions its consent on compliance by Vyke with the commitments set forth in the Letter.

The Agencies are authorized to state that the Applicants do not object to the grant of this Petition.

Respectfully submitted,

/s/ SIGAL P. MANDELKER  
Sigal P. Mandelker  
Deputy Assistant Attorney General  
Office of the Assistant Attorney General  
Criminal Division – Room 2113  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530  
(202) 305-8319

/s/ STEWART A. BAKER  
Stewart A. Baker  
Assistant Secretary for Policy  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, N.W.  
Washington, DC 20528

/s/ ELAINE N. LAMMERT  
Elaine N. Lammert  
Deputy General Counsel  
Federal Bureau of Investigation  
923 Pennsylvania Avenue, N.W.  
Washington, DC 20532  
(202) 324-1530

June 28, 2007



June 14, 2007

Ms. Sigal P. Mandelker  
Deputy Assistant Attorney General  
Criminal Division – Room 2113  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Ms. Elaine N. Lammert  
Deputy General Counsel  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Mr. Stewart A. Baker  
Assistant Secretary for Policy  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Re: Vyke AS Acquisition of Transcom Communications, Inc.;  
FCC File Nos. ITC-T/C -20050621-00232;  
ITC-T/C-20051006-00397; and  
ITC-T/C-20061218-00569

*Dear Ms. Mandelker, Ms. Lammert, and Mr. Baker:*

This letter outlines the commitments made by Vyke Communications PLC ("Vyke"), Vyke AS, and Maskina Communications, Inc. ("Maskina") (collectively, "the Companies"), to the U.S. Department of Justice ("DOJ"), including the Federal Bureau of Investigation ("FBI"), and to the U.S. Department of Homeland Security ("DHS"), in order to address national security, law enforcement, and public safety concerns raised with regard to the Companies' application to the Federal Communications Commission ("FCC") for authority to transfer control of Maskina, a holder of domestic and international authorizations under Section 214 of the Communications Act of 1934, as amended, to Vyke.

The Companies filed the first related application on May 31, 2005 with the FCC seeking authorization under Section 214 of the Communications Act of 1934 to transfer control of Maskina f/k/a Transcom Communications, Inc. from Transcom Holdings, LLC to Maskina AS (File No. ITC-T/C -20050621-00232). Maskina AS changed its name to Vyke AS during the pendency of this application and is now owned by Vyke. Following the grant of the application, Maskina plans to offer service in the U.S. that would enable customers located in the US to make outgoing international calls utilizing VoIP delivered by the Maskina software platform. Maskina plans to continue to offer prepaid value added voice and retail services to resale service providers including the wholesale distribution of prepaid calling card services. *The facilities of Maskina consist of a network of switches and routers. Maskina's hardware facilities are currently located in Dallas, Texas and Austin, Texas.*

The Companies agree that, for all customer billing records, subscriber information, and any other related information used, processed, or maintained in the ordinary course of business relating to communications services offered to U.S. persons ("U.S. Records"), the Companies will make such U.S. Records available in the United States in response to lawful U.S. process. For these purposes, U.S. Records shall include information subject to disclosure to a U.S. Federal or state governmental entity under the procedures specified in Sections 2703(c) and (d) and Section 2709 of Title 18 of the United States Code. The Companies agree to ensure that U.S. Records are not made subject to mandatory destruction under any foreign laws. The Companies agree to take all practicable measures to prevent unauthorized access to, or disclosure of the content of, communications or U.S. Records, in violation of any U.S. Federal, state, or local laws or of the commitments set forth in this letter. *If the Companies learn of any such disclosure, they will deliver a written notification containing all the known details concerning each such incident to the FBI, DOJ and DHS within five (5) business days.*

The Companies agree that they will not, directly or indirectly, disclose or permit disclosure of or access to U.S. Records, domestic communications, or to any information (including the content of communications) pertaining to a wiretap order, pen/trap order, subpoena or other lawful demand by a U.S. law enforcement agency for U.S. Records, to any person if the purpose of such disclosure or access is to respond to the legal process or request on behalf of a non-



U.S. government without first satisfying all pertinent requirements of U.S. law and obtaining the express written consent of the FBI, DOJ and DHS or the authorization of a court of competent jurisdiction in the United States. The term "non-U.S. government" means any government, including an identified representative, agent, component or subdivision thereof, that is not a local, state or Federal government in the United States. Any such requests or legal process submitted by a non-U.S. government to the Companies shall be referred to the FBI, DOJ and DHS as soon as possible, and in no event later than five (5) business days after such request or legal process is received by or known to the Companies, unless the disclosure of the request or legal process would be in violation of U.S. law or an order of a court in the United States.

The Companies also agree that Maskina will maintain one or more points of contact within the United States with the authority and responsibility for accepting and overseeing compliance with a wiretap order, pen/trap order, subpoena or other lawful demand by U.S. law enforcement authorities for the content of communications or U.S. Records. The Companies will notify the FBI, DOJ and DHS in writing at the addresses listed above of the point(s) of contact within ten (10) days of this letter, and shall promptly notify the FBI, DOJ and DHS of any change in its designated point(s) of contact. Any new point of contact shall be a resident U.S. citizen, and the Companies shall cooperate with any request by a U.S. government authority that a background check or security clearance process be completed for a designated point of contact.

The Companies agree that they will notify the FBI, DOJ and DHS before they seek to commence the sale (or resale) of any type of communications services in the United States not currently offered, or planned to be offered as described in paragraph two of this letter, or if there are any other material changes in any of the facts as represented in this letter. All notices to be provided to the FBI, DOJ, or DHS shall be directed to the named addressees of this letter.

The Companies agree that, in the event the commitments set forth in this letter are breached, in addition to any other remedy available at law or equity, the DOJ, FBI, or DHS may request that the FCC modify, condition, revoke, cancel, or render null and void any relevant license, permit, or other authorization granted by the FCC to the Companies or to any successor-in-interest to the Companies. The Companies request written notice of any breach in order that the Companies may have an opportunity to either explain or rectify any such breach.

Nothing in this letter is intended to excuse the Companies or their subsidiaries from any obligation they may have to comply with U.S. legal requirements for the retention, preservation, or production of information, records or data, or from any applicable requirements of the Communications Assistance for Law Enforcement Act, 47 U.S.C. 1001, et seq., nor shall it constitute a waiver of: (a) any obligation imposed by any U.S. Federal, state or local laws on the Companies or their subsidiaries; (b) any enforcement authority available under any U.S. or state laws; (c) the sovereign immunity of the United States; or (d) any authority the U.S. government may possess (including without limitation authority pursuant to International Emergency Economic Powers Act) over the activities of the Companies or their subsidiaries located within or outside the United States. Nothing in this letter is intended to or is to be interpreted to require the parties to violate any applicable U.S. law. Likewise, nothing in this letter limits the right of the United States Government to pursue criminal sanctions or charges against the Companies or their subsidiaries, and nothing in this letter provides the Companies or their subsidiaries with any relief from civil liability.

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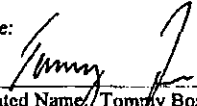
The Companies understand that, upon execution of this letter by an authorized representative or attorney for the Companies, the DOJ, FBI, and DHS shall notify the FCC that the DOJ, FBI, and DHS have no objection to the FCC's grant of the above-referenced applications.

Sincerely,

Date:

6/14/07

By:

  
Printed Name: Tommy Bosrup-Jensen  
Title: Chairman  
Vyke Communications PLC



Date: 6/14/07  
By: Kjetil Bohn  
Printed Name: Kjetil Bohn  
Title: CEO  
Vyke AS

Date: 6/14/07  
By: Jeffrey S. Becker  
Printed Name: Jeffrey S. Becker  
Title: VP-COO  
Maskina Communications, Inc.